DISPOSITION WORKSHEET

Re: IAB IV2414591/ FO2389712

Subject: Leslie, Erik #[redacted]

Investigator: Sergeant Eric Barron, Internal Affairs Bureau

Advocate: Sergeant Monica Botello

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on the attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of the Department's Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (specifically pertaining to 3-10/150.00, Tactical Incidents; and/or 3-10/050.15, Performance to Standards – Performance Associated with the Use of Force), on or about November 8, 2015, while on duty and assigned to Industry Station, Subject Leslie failed to conform to the standards established for his position as a patrol deputy when, during a hospital security detail, he failed to employ sound tactical principles prior to a force encounter with a suspect recently arrested for assault with a deadly weapon and assault against a peace officer, as evidenced by, but not limited to, the following:

    a. by failing to adequately secure the suspect when he chose to handcuff only one wrist to a hospital gurney; and/or,

    b. by placing himself at a tactical disadvantage when he positioned a chair too closely to the suspect lying on a hospital gurney, although other options were available to him; and/or,

    c. by failing to maintain awareness of his surroundings, including but not limited to the suspect lying on the hospital gurney; thus finding himself startled to action and the need to use force.

Subject Leslie's actions violated the following sections of the Manual of Policy and Procedures:

3-01/050.10 – Performance to Standards

3-01/030.10 – Obedience to Laws, Regulations and Orders (specifically pertaining to 3-10/150.00, Tactical Incidents; and/or 3-10/050.15, Performance to Standards – Performance Associated with the Use of Force)

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__ **Charge founded as delineated**

______ **Charge founded as modified**

______ **Charge unresolved**

______ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for Discipline Section:

The Department's Guidelines for Discipline lists the following analogous misconduct with associated disciplinary penalties:

Conduct	Standard Discipline
Performance to Standards	WR to Discharge
Obedience to Laws, Regulations and Orders	WR to Discharge



Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response or grievance.

______ **Discharge**

______ **Reduction in Rank**

______ **Suspension with loss of pay and benefits for ___ day(s)**

___x__ **Written Reprimand**

______ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describes the mitigating and aggravating factors in determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

TABLE OF CONTENTS

FO 2389712

E Scene photos.

F Printed photos depicting Suspect Frausto's injuries, and one (1) CD containing photos of Suspect Frausto's injuries.

G One (1) CD containing the radio traffic.

MISCELLANEOUS DOCUMENTS

Administrative Rights Force/Shooting Investigation Forms

Internal Affairs Chief's Memo

MPP section regarding saps

Taser activation download